UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

BRIAN A. STIEFERMAN,)
Plaintiff,)
v.) JUDGMENT
NANCY BERRYHILL, Acting Commissioner of Social Security, Defendant.) 5:17-CV-464-BO)))
Decision by Court. This matter is before the Court on the parties' cross-motions for judgment on the pleadings. [DE 19, 24].	
IT IS ORDERED, ADJUDGED AND DECREED that this case is remanded for rehearing on the issue of Listing 1.04. If it succeeds past Step 3, at Step 4 the ALJ should examine whether he can do his past relevant work and at Step 5 whether the surgery and the fusion at L4-L5-S1 is disabling. Plaintiff apparently has such pain that he cannot sleep at night and has to be sitting up in order to sleep. That may be disabling in and of itself. The case will be remanded for rehearing.	
This judgment filed and entered on February 19, 2019, and served on: Derrick Kyle Arrowood (via CM/ECF NEF) Gabriel R. Deadwyler (via CM/ECF NEF) Mark J. Goldenberg (via CM/ECF NEF)	
February 19, 2019	PETER A. MOORE, JR., CLERK /s/ Lindsay Stouch By: Deputy Clerk